IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

SECOND APPEAL NO. 489/2006

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	:	Court's or Judge's orders

CORAM : A.P. Lavande, J.
Dated : September 14, 2006

Heard Mr. S.V. Sirpurkar, learned counsel for the appellant and Mr. Funde, learned counsel for respondent.

This second appeal has been filed by the defendant in a suit filed by the respondent-plaintiff for possession. The appellant is the husband of the respondent.

The suit filed by the respondent is for possession of the suit property which was purchased by her by executing sale deed in her favour. The defence of the defendant was that it was a benami transaction and entire consideration was paid by the defendant. The trial Court negatived the

defence and consequently decreed the suit for possession. The appeal preferred by the defendant has been dismissed. Aggrieved, the defendant has filed the present appeal. Mr. Sirpurkar, learned counsel for the appellant submitted that both the Courts below have erred in holding that the plaintiff-respondent had purchased the suit property from her own funds and the findings given by both the Courts below against defendant are contrary to the evidence on record and as such perverse.

I have considered the submissions made by learned counsel for the appellant. I have also perused the record including the judgments passed by both the Courts below. Upon perusal of the records, I am satisfied that the findings recorded by the trial Court which have been confirmed by the appellate Court are borne out from the evidence on record. The finding given by the trial Court that it was the plaintiff who purchased the property from her own funds is based on the evidence on record and cannot be said to

be perverse. In my opinion, the lower appellate Court has rightly dismissed the appeal after concurring with the finding given by the trial Court. In my opinion, no substantial question of law is involved in the present second appeal. Hence, the second appeal is rejected.

JUDGE

A.